

**Tempe City Council  
Thursday, May 06, 2010  
Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

- 1. INVOCATION - Councilmember Navarro**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MINUTES - Councilmember Arredondo**

**A. Approval of Council Meeting Minutes**

1. [Council Formal Meeting - March 25 & April 22, 2010](#)
2. [Council Issue Review Session - March 25, & April 22, 2010](#)
3. Council Executive Session - March 25 & April 22, 2010
4. [Council Neighborhood Parks Rehabilitation & Maintenance Committee - January 19, 2010](#)
5. [Council Educational Partnerships Committee - April 19, 2010](#)
6. [Housing Authority Governing Board - April 22, 2010](#)

APPROVED

**B. Acceptance of Board & Commission Meeting Minutes**

1. [Enhanced Services Commission - January 13, 2010](#)
2. [Double Butte Cemetery Advisory Board - February 17, 2010](#)
3. [Hearing Officer - April 6, 2010](#)
4. [Special Events Task Force - April 20, 2010](#)

APPROVED

**4. REPORTS AND ANNOUNCEMENTS**

**A. Mayor's Announcements**

1. **Tempe Town Lake Hero**

2. Law Day Awards
3. North Tempe Neighborhood Association Neighbor of the Year Award to Tempe Police Department
4. GradNite Check Presentation
5. Public Works Week Proclamation
6. Emergency Medical Services (EMS) Week Proclamation
7. Motorcycle Awareness Month
8. Board and Commission Vacancies/Recruitment

B. Manager's Announcements

5. **AGENDA**

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may make a vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

1. [Request approval of the City Manager's designation of Residential Permit Parking Area 12 to include Orange Street between Dorsey Lane and the west Una Ave alley alignment and Gary Drive between the alley alignments immediately north and south of Dorsey Lane, with parking restrictions 24 hours per day, 7 days a week.](#)

<b>COMMENTS</b>	N/A
<b>DOCUMENT NAME</b>	20100506PWJD01 PARKING-TRAFFIC POLICY ADMIN (1105-01)

APPROVED

2. [Request approval of the settlement in Lopez, et al. v. City of Tempe, CV2009-052689](#)

<b>COMMENTS</b>	The Plaintiffs have agreed to dismiss with prejudice all claims against the City of Tempe in exchange for One Million Nine Hundred Thirty-Three Thousand Six Hundred Thirty-Three Dollars (\$1,933,633.00). Because one of the Plaintiffs is a minor, this settlement agreement is contingent on receiving
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approval from the Court. The Plaintiffs are in the process of attempting to obtain court approval of the settlement.

**DOCUMENT NAME** 20100506cacc01 LITIGATION SETTLEMENTS (0501-04)

APPROVED

3. **DELETED**

4. [Request authorization for the Mayor to execute a six-year contract with the Tempe Convention and Visitors Bureau \(TCVB\) for the funding of its tourist and convention promotional program.](#)

**COMMENTS** The cost of the contract is estimated at \$2 million annually plus adjustments for increases in the consumer price index.

**DOCUMENT NAME** 20100506crsh01 TEMPE CONVENTION AND VISITORS BUREAU (0109 26)

APPROVED

B. Award of Bids/Contracts

1. [Request approval of a one-year renewal of a contract with PMT Ambulance for emergency medical transportation services to support the Fire Department.](#)

**COMMENTS** (T08-053-01) There is no cost to the City for this contract.

**DOCUMENT NAME** 20100325fslg04 PURCHASES (1004-01)

APPROVED

2. [Request approval to utilize a one-year City of Scottsdale contract with Ancon Services Company for the cleaning of the City's sewer system, lift stations and wet wells for the Water Utilities Department](#)

**COMMENTS** (WUD08PB049) Total cost of this contract shall not exceed \$300,000 during the initial one year contract period.

**DOCUMENT NAME** 20100506fst05 PURCHASES (1004-01)

APPROVED

3. [Request approval to award a two-year contract with three, one-year renewal options to Hurricane Aquatics for maintenance service of the City's park and golf course lakes and fish population for use by the Parks and Recreation Department.](#)

**COMMENTS** (RFP #10-075) The total amount of the contract shall not exceed \$80,000 during the initial two-year contract period.

**DOCUMENT NAME** 20100506fslg03 PURCHASES (1004-01)

APPROVED

4. [Request approval to award a two-year contract with three, one-year renewal options with Salt River Project Agricultural Improvement and Power District for the maintenance and operation of the Tempe Town Lake dams, control systems, seepage wells and make-up water delivery system.](#)

**COMMENTS** (RFP 10-129) Total cost of this contract will not exceed \$550,000 during the initial two-year contract period.  
**DOCUMENT NAME** 20100506fst06 PURCHASES (1004-01)

APPROVED

5. [Request approval to award a contract to Badger Meter, Inc. for the purchase and implementation of a water meter reading software system and water meter handheld devices for the Customer Services Division of the Financial Services Department. This is a bond funded project on the approved Capital Improvement Program \(CIP\) project list.](#)

**COMMENTS** (RFP #09-127) Total amount of the contract not to exceed \$105,000.  
**DOCUMENT NAME** 20100506fst07 PURCHASES (1004-01)

APPROVED

C. [Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.](#)

- \*1. [Introduction and first public hearing for a Planned Area Development Overlay for LAKE COUNTRY VILLAGE located at 1030 East Baseline Road. The second public hearing is scheduled for May 20, 2010.](#)

**COMMENTS** Request for LAKE COUNTRY VILLAGE (PL090467) (Paul Berkowitz V.P., LCV Property Inc., owner; Paul E. Gilbert, Beus Gilbert PLLC, applicant) for a redevelopment of the shopping center to include approximately 215,200 sf. of commercial, approximately 728,000 sf. of multi-family residential (430 dwelling units) and approximately 315,000 sf. of office, or 1,258,200 sf. combined building area, not including structured parking. The 25.45 acre site is located at 1030 East Baseline Road and is within the PCC-2, Planned Commercial Center General District. The request includes the following:

PAD10003 – (Ordinance No. 2010.08) Planned Area Development Overlay to establish development standards for building height, side-yard building setback and vehicle parking quantity.

**DOCUMENT NAME** 20100506dskko01 PLANNED DEVELOPMENT (0406)  
Ordinance No. 2010.08

PUBLIC HEARING SET FOR MAY 20, 2010

- \*2. [This is the introduction and first public hearing of an ordinance authorizing the acquisition and disposition of certain remnants, slivers and gores of real property owned by the City at various locations. The second public hearing will be held on May 20, 2010.](#)

**COMMENTS** City is adopting this ordinance to authorize the conveyance of a remnant parcel to facilitate the re-plat of certain property along Alpha Drive to be known as the Alpha Drive Subdivision, 720 South Rural Road.

**DOCUMENT NAME** 20100506casv01 REAL PROPERTY ACQUISITION-DISPOSITION (0902-00) Ordinance No. 2010.13

PUBLIC HEARING SET FOR MAY 20, 2010

D. Ordinances and Items for Second Hearing/Final Adoption

- \*1. [This is the second and final public hearing to amend Chapter 16, Tempe City Code relating to License, Privilege and Excise Taxes by amending Section 16-447 relating to Additional tax upon transient lodging.](#)

**COMMENTS** N/A

**DOCUMENT NAME** 20100506casv01 TCC CH 16 – LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) Ordinance No. 2010.10

APPROVED

- \*2. [This is the second and final public hearing required by federal law to solicit public comment on the funding activities for the Community Development Block Grant \(CDBG\) and Home Programs Action Plan for Fiscal Year 2010-2011, the Analysis of Impediments to Fair Housing Choice and the Five Year Consolidated Plan for Fiscal Years 2010-2014.](#)

**COMMENTS** N/A

**DOCUMENT NAME** 20100506cdch01 COMMUNITY DEVELOPMENT BLOCK GRANT (0207-32)

APPROVED

- \*3. [This is the second and final public hearing to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes.](#)

**COMMENTS** These proposed changes apply the modifications adopted by the Municipal Tax Code Commission to Tempe's Tax Code.

**DOCUMENT NAME** TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) Ordinance No. 2010.09

APPROVED

- \*4. [This is the second and final public hearing to adopt an ordinance to effect the Annexation of Miller Road Right-of -Way Improvement Property located between Curry Road and Gilbert Drive in accordance with Intergovernmental Agreement C-64-03-123-2.](#)

**COMMENTS** The City of Tempe desires to complete the annexation of the Miller Road Right-of Way Improvement property in accordance with Intergovernmental Agreement C-64-03-123-2, between the City of Tempe and Maricopa County.

**DOCUMENT NAME** 20100506PWWS04 ANNEXATION (0402-01) Ordinance 2010.06

APPROVED

E. Resolutions

1. [Request approval of a resolution that authorizes the Community Development Block Grant \(CDBG\) and HOME Programs funding activities and Action Plan for Fiscal Year 2010-2011, the Analysis of Impediments to Fair Housing Choice and the Five Year Consolidated Plan for Fiscal Years 2010-2014.](#)

**COMMENTS** N/A

**DOCUMENT NAME** 20100506cdch01 COMMUNITY DEVELOPMENT BLOCK GRANT (0207-32) RESOLUTION NO. 2010.47

APPROVED

2. [Request approval of a resolution that authorizes internal City of Tempe applications for Gila River Indian Community State Shared Revenue Grant Funds for submission to the Tribe.](#)

**COMMENTS** If funded, the City of Tempe would benefit financially from the distribution of the Tribe's State Shared Revenue Grant Funds. These grants would provide essential funding for City programs and projects that might not be funded otherwise.

**DOCUMENT NAME** 20100506graw GILA RIVER INDIAN COMMUNITY (0109-32), RESOLUTION NO. 2010.41.

APPROVED

3. [Request approval of a Resolution that authorizes certain external organizations to apply for the Gila River Indian Community State Shared Revenue Grant Funds through the City of Tempe.](#)

**COMMENTS** If funded by the Gila River Indian Community the City of Tempe will serve as a pass through for the distribution of the Tribe's State Shared Revenue Grant Funds. There is no fiscal impact to the City of Tempe.

**DOCUMENT NAME** 20100506graw GILA RIVER INDIAN COMMUNITY (0109-32), RESOLUTION NO. 2010.40.

APPROVED

4. [Request approval of a Resolution that authorizes internal City of Tempe applications for Pascua Yaqui Tribe State Shared Revenue Grant Funds for submission to the Tribe.](#)

**COMMENTS** If funded, the City of Tempe would benefit financially from the distribution of the Tribe's State Shared Revenue Grant Funds. These grants would provide essential funding for City programs and/or projects that might not be funded otherwise.

**DOCUMENT NAME** 20100506graw STATE LEGISLATURE (0107-06), RESOLUTION NO. 2010.45.

APPROVED

5. [Request approval of a Resolution that authorizes certain external organizations to apply for the Pascua Yaqui Tribe State Shared Revenue Grant Funds through the City of Tempe.](#)

**COMMENTS** If funded by the Pascua Yaqui Tribe, the City of Tempe will serve as a pass through for the distribution of the Tribe's State Shared Revenue Grant Funds. There is no fiscal impact to the City of Tempe.

**DOCUMENT NAME** 20100506graw STATE LEGISLATURE (0107-06), RESOLUTION NO. 2010.44

APPROVED

6. [Request approval of a resolution to accept grant funding from the City of Tucson High Intensity Drug Trafficking Area \(HIDTA\) to fund one sworn analyst position.](#)

**COMMENTS** The grant award totals \$81,112.00

**DOCUMENT NAME** 20100506pdsam01 POLICE DEPT ADMIN (6060200) Resolution No. 2010.46

APPROVED

## 6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

### A. Scheduled

1. Deleted

B. Unscheduled

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

**Agendas are also available at [www.tempe.gov/clerk](http://www.tempe.gov/clerk)  
Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**